

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

ANNUNCIATION HOUSE; ANGRY TIAS
& ABUELAS OF THE RIO GRANDE VAL-
LEY; JENNIFER HARBURY; and FIEL
HOUSTON,

Consolidated Plaintiffs,

v.

THE STATE OF TEXAS and GREG
ABBOTT, in his official capacity as Gover-
nor of the State of Texas,

Defendants,

STEVEN MCCRAW, in his official capac-
ity as Director of the State of Texas Depart-
ment of Public Safety,

Consolidated Defendant.

3:21-cv-173-KC (Consolidated)

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENTION OF TIME TO FILE
RESPONSES TO DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs the United States of America, Annunciation House, Angry Tias & Abuelas of the Rio Grande Valley, Jennifer Harbury, and FIEL Houston in these consolidated cases request a 14-day extension of time to file oppositions to Defendants' motions to dismiss, ECF Nos. 67 and 68. Plaintiffs brought these consolidated cases to challenge

the Texas Governor's Executive Order No. GA-37 "Relating to the transportation of migrants during the COVID-19 disaster." On October 11, 2021, Defendants moved to dismiss the respective complaints, after obtaining a 45-day extension. Under local civil rule 7(D), Plaintiffs' deadline to respond is October 25, 2021. A 14-day extension would set the deadlines at Monday, November 8, 2021. This is Plaintiffs' first extension request, and the extension is not sought for purposes of delay but to allow Plaintiffs to prepare more thorough responses, which in turn will aid the Court's resolution of the motions. The undersigned counsel conferred with counsel for Defendants on October 13, 2021, who represented that Defendants do not oppose the requested extension.

Accordingly, Plaintiffs respectfully request their unopposed request for an extension of time be granted. A copy of the proposed Order is attached.

Date: October 15, 2021

/s/Adriana Pinon

Kathryn Huddleston*

Bernardo Rafael Cruz

Brantley Shaw Drake

Adriana Pinon

Andre Segura

ACLU FOUNDATION OF TEXAS, INC.

5225 Katy Freeway, Suite 350

Houston, TX 77007

Tel. (713) 942-8146

Fax: (713) 942-8966

khuddleston@aclutx.org

brcruz@aclutx.org

sdrake@aclutx.org

apinon@aclutx.org

asegura@aclutx.org

Spencer Amdur*

Katrina Eiland*

Cody Wofsy*

Respectfully submitted,

BRIAN M. BOYNTON

Acting Assistant Attorney General

BRIAN D. NETTER

Deputy Assistant Attorney General

ALEXANDER K. HAAS

Director, Federal Programs Branch

JEAN LIN

Special Litigation Counsel

/s/ Zachary Avallone

MICHAEL GERARDI

ZACHARY A. AVALLONE

STEPHEN EHRLICH

JOSHUA M. KOLSKY

ANTONIA KONKOLY

Trial Attorneys

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,
IMMIGRANTS' RIGHTS PROJECT
39 Drumm Street
San Francisco, CA 94111
Tel: (415) 343-0770
samdur@aclu.org
keiland@aclu.org
cwofsy@aclu.org

U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW Washington, DC 20005

Tel: (202) 514-2705
Fax: (202) 616-8470
E-mail: zachary.a.avallone@usdoj.gov

Attorneys for Plaintiff

Omar Jadwat*
Noor Zafar*
Ming Cheung*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,
IMMIGRANTS' RIGHTS PROJECT
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2660
ojadwat@aclu.org
nzafar@aclu.org
mcheung@aclu.org

CERTIFICATE OF CONFERENCE

I certify that on October 13, 2021, counsel for Plaintiff, and Consolidated Plaintiffs conferred by email with Defendants' counsel, who represented that Defendants do not oppose this motion.

/s/ Zachary A. Avallone

Zachary A. Avallone

CERTIFICATE OF SERVICE

I certify that a copy of this filing was served on the other parties to this action and their counsel of record through electronic filing in the Court's ECF system on October 14, 2021.

/s/ Zachary A. Avallone

Zachary A. Avallone

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

ANNUNCIATION HOUSE; ANGRY TIAS
& ABUELAS OF THE RIO GRANDE VAL-
LEY; JENNIFER HARBURY; and FIEL
HOUSTON,

Consolidated Plaintiffs

v.

THE STATE OF TEXAS and GREG
ABBOTT, in his official capacity as Gover-
nor of the State of Texas,

Defendants,

STEVEN MCCRAW, in his official capac-
ity as Director of the State of Texas Depart-
ment of Public Safety,

Consolidated Defendant.

3:21-cv-173-KC (Consolidated)

[PROPOSED] ORDER

After considering the Plaintiff's and Consolidated Plaintiffs' Unopposed Motion For Extension of Time to File a Response to Defendants' Motions to Dismiss, the Court hereby GRANTS the motion.

The Court ORDERS that Plaintiff United States of America's deadline to respond to Defendants' Motion to Dismiss, ECF No. 67, shall be extended by 14 days to November 8, 2021.

The Court FURTHER ORDERS that Consolidated Plaintiffs Annunciation House, Angry Tias & Abuelas of the Rio Grande Valley, Jennifer Harbury, and FIEL Houston's deadline to respond to Defendants' Motion to Dismiss, ECF No. 68, shall be extended by 14 days to November 8, 2021.

DATE: _____

Kathleen Cardone
United States District Court Judge